



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,816	02/14/2001	David J. Sharp	UC069.001A	1726

25213 7590 07/28/2006

HELLER EHRMAN LLP
275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025-3506

EXAMINER

YAEN, CHRISTOPHER H

ART UNIT	PAPER NUMBER
----------	--------------

1643

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---------------------------------------------------	---------------------

09/782.816

SHARP et al

EXAMINER

C. Yaen

ART UNIT

PAPER

1643

20060717

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Amendment filed May 9, 2006 in response to the Office Action Letter mailed February 10, 2006 is acknowledged and entered. Claims 1-2,10-11,15,17, and 21-22 are pending, claims 3-9,12-14,16,18-20, and 23-27 are canceled without prejudice or disclaimer. Previously pending claims 1-2,11,15, and 17 have been amended.

The claims as newly presented are directed to an isolated peptide having modified amino acids residues, wherein the peptide has the motif (X1)nEVEKIKTTVKESATEEKLTPVX2L(X3)m; wherein X1 is SEQ ID No: 3; X2 is L; and X3 is SEQ ID No: 22; wherein n and m represent 0 or 1; wherein the modifications comprise a protected amino terminal amino acid, a protected carboxyl terminal amino acid, an amino acid having added fatty acid side chains, or an amino acid having an polyisoprenoid side chain. The newly claimed peptide is distinct from the peptide as previously presented and differs at least in structure and method steps of producing the peptide originally presented in the claims filed on 4/22/2003, which is directed to a peptide of the motif (X1)nEVEKIKTTVKESATEEKLTPVX2L(X3)m; wherein X1 is SEQ ID No: 3; X2 is L; and X3 is SEQ ID No: 22; wherein n represent 0 or 1.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-2,10-11,15,17, and 21-22 are withdrawn from consideration as being directed to multiple non-elected inventions. See 37 C.F.R. § 1.142(b) and M.P.E.P. § 821.03.

The amendment filed May 9, 2006 amending all of the claims to an invention not originally presented is deemed nonresponsive (see MPEP 821.03). The claims as currently presented are not readable on the originally presented invention for the reasons set forth above. Applicant is given a ONE MONTH time limit or until the expiration of the response period set in the last Office action, whichever is longer, to complete the response. NO EXTENSION OF THIS TIME LIMIT WILL BE GRANTED UNDER EITHER 37 CAR 1.136(a) OR (b) but the period for response set in the last office action may be extended up to a maximum of SIX MONTHS.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Yaen whose telephone number is (571) 272-0838. The examiner can normally be reached on Monday through Friday from 8:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D., can be reached at (571) 272-0832.

CHRISTOPHER H. YAEN
PRIMARY EXAMINER
ART UNIT 1643